Says His Heart Was in His Mouth When He Saw the Brooklyn Come Looming Up Ahead of the Texas Out of a Cloud Smoke - Thinks the Texas Was Then in Greater Danger Than at Any Time During the Hattle-Persistent Attempts to Bring Admiral Sampson Into Case Resisted by the Judge Advocate.

WASHINGTON, Sept. 23-When the Schley Court of Inquiry concluded its session this afternoon, there was no doubt in the minds of the several hundred persons who listened to the proceedings that this was by far the most interesting of the three days that the court has been taking testimony. If any one thing stood out more promi-nently than another in the four hours of lively interchanges between the attorneys on both sides and rigid examination of the principal witness, it was the changed bear-ing of the representatives of the Navy Department toward the counsel for Admiral

Heretofore Capt. Lemly, the Judge Advocate, and Mr. Hanna, his assistant, have not entered into the legal arguments which have arisen over the admission of testi-mony, with the same spirit that has characterized their opponents. They have not been aggressive like Mr. Raynor, the most active of Admiral Schley's attorneys, or so persistent as all three of the counsel for the "applicant," as Admiral Schley is

To-day, however, they demonstrated that they could fight quite as aggressively and quite as persistently as the distin guished civilian lawyers who are looking out for Admiral Schley's interests. Apparently they had determined that a policy of extreme courtesy and gentle endeavor was not the best in dealing with a man so full of vigor and battle as Mr. Raynor and so keen and tenacious as Judge Wilson. Their voices, heretofore calm and well modulated in expressing their views on points raised by the other side, had a ring estness and their willingness to fight every legal controversy to a finish. They were particularly emphatic in making the Court and Admiral Schley's counsel understand that they would resist to the utmost any attempt to make Admiral Sampson a party

NATURE OF SCHLEY'S DEPENCE.

The nature of part of Admiral Schley's defence was disclosed by his counsel today during two efforts on their part to secure statements from a witness as to the character of the blockade maintained by Admiral Sampson off Santiago and the participation of his flagship, the New York, in the battle of July 3. According to their representations to the Court, they intend to show that if Sampson's blockadwas good, then so was Schley's, for the reason that they were of the same character and general arrangement, and, more important than that, they promised to bring out that if Schley was censurable for failing to destroy the Colon, Sampson was equally guilty, because for four hours after the arrival of Sampson at Santiago the Colon lay in the same position at the mouth of the harbor that she was in during the three days that Schley saw her, and Sampson made no effort to attack her. Admira Schley's counsel said that they proposed to how also that what Schley did was done under Sampson's orders, that Schley's withdrawal from the reconnoissance, as it was termed by him, against the Colon and to develop the shore batteries, was performed under general naval regulations and was the same policy that had nursued by Sampson, and that if the Brooklyn was not in a proper position when Cervera's squadron ran out on July S, she was at the station assigned to her by Sampson. The attempt to secure the admission of testimony bearing on these points was earnestly resisted by Capt. Lemly and Mr. Hanna, and while Admiral schley's counsel withdrew their questions, it was done with an emphatic declaration that they would bring them up again and insist that they be admitted.

HEILNER ON THE BROOKLYN'S "LOOP."

For the first time since the court began its sessions, testimony directly bearing on the "loop" of the Brooklyn was heard to-day. It was given by Lieutenant-Commander Heilner, the navigating officer of the Texas, who proved to be the witness of the investigation so far Mr. Heilner told an interesting story of what happened on the Texas when the Brooklyn wes executing that famous turn. According to his account, the Texas was obliged to stop and back to keep from colliding with Admiral Schley's flagship. the Texas, according to the estimates of the witness, were only a hundred or a objection to having the witness read somehundred and fifty yards apart. After a fruitless attempt on the part of Admiral Schley's representatives to keep Mr. Heilner from saying when the Texas was in the greatest danger in the engagement with the Spanish ships, he made the important declaration that it was when the Brooklyn, this great gray ship," he called her, loomed up in front of the Texas and caused that vessel, for safety's sake, to stop her engines and back water. Through this halt in the thick of the fight the Texas, said the witness, lost three miles of the chase after the fleeing enemy.

But Admiral Schley's alert attorneys scored a point when they came to crossexamine Mr. Heilner, the most damaging witness produced against their client thus far. They brought to his attention a chart of the Santiago battle, prepared by a board of officers of the navy, of which he was one, showing the positions of each American ship and each Spanish vessel at certain periods of the engagement, and showed that this board of officers had placed the Brooklyn and the Texas half a mile apart at the time the "loop" was begun.

Mr. Heilner explained that the chart was not accurate; that it was the result of a compromise, but an inadvertent admission, which he sought to correct, that the chart was worthless, was immediately seized on by the representatives of the man whose conduct is under investigation. They brought to the attention of the Court the discrepancy in the estimate of the distance between the Texas and the Brooklyn by the witness and by the official board, as obtained from the Judge Advocate's side a concession of the inaccurrer of this docu-

of the number of yards between the two armorelads when the Texas backed and maintained that the late Capt. Philip who commanded the last-narrowl ship placed the vessels nearer together. And when Admiral Schley's counsel made the point that there was no reference to the chavior of the Brooklyn in the Santiago battle in the log of the Texas, Mr. Heilner asserted that Capt. Philip had kept it on

AN INTERESTING SIDE ISSUE. There was a side issue of to-day's sees

BROOKLYN'S FAMOUS "LOOP." that interested those who were aware of it. smooth-faced man in service uniform of a naval officer, sat beside Judge Advocate Lemly. He was Lieut. Henry H. Ward, who has been accused by Admiral Schley's friends of a too active interest in securing evidence against the commander of the Flying Squadron. It was Lieut. Ward who acted as Recorder of the board of officers appointed by the Secretary of the Navy to obtain evidence from the official records of the reasons for President McKinley's nominations for advancement of officers who served in the wat with Spain. This board took from the records the documents which formed the basis of Secretary Long's indictment of Admiral Schley to the Senate Committee on Naval Affairs. Lieut. Ward was then attached to the Bureau of Navigation and he has recently returned to Washington to assist in getting together the documents showing the part played by

Admiral Schley in the late war. He reported to the Court of Inquiry to-day under orders from the Secretary of the Navy to aid the Judge Advocate in keeping track of records and charts which are to be introduced as evidence, and that his appearance there was resented by Admiral Schley's legal representatives was made

plain before the day was over. While Lieutenant-Commander Heilner was testifying Lieut. Ward made a remark that the distances on the Navigator's chart were in statute and not nautical miles and this brought from Mr. Raynor the admonition to "Keep out of this." Later, Capt. Parker of Admiral Schley's counsel made some reference to Lieut, Ward, which was presumably not complimentary; and again, just before the court adjourned, objected to his alleged interference with a witness. Commander Bates, chief engineer of the Texas, was in the witness chair examining the log of that vessel and Lieut. Ward looked over his shoulder.

"Will you keep that gentleman from hanging over that witness and examining that book?" Capt. Parker burst out, addressing the Court

"He was ordered here by the Navy Department," said Admiral Dewey quietly. "I can't help that," responded Capt.

Lieut. Ward finished his inspection just then and returned to his seat. DISPUTE OVER LOGS OF VESSELS

The proceedings at the opening of the Court were enlivened by a legal controversy over printing the logs of vessels engaged in the West India naval campaign. When Capt. Lemly, the Judge Advocate, offered in evidence the logs of most of the vessels, he did not mention the New York, and Judge Wilson suggested that it be put in with the rest. Capt. Lemly said he had no objection to it, but he was not offering it "Let's put them all in." suggested Judge Wilson, and this brought from Capt. Lemly an explanation that, naturally, in preparing his case he could not consult the wish of the applicant's counsel. His purpose was rely to put in the parts of logs that were essential to have them printed and made

part of the record. Capt. Lemly then submitted a list of the parts of the logs of vessels that he wanted printed and explained that his reason for presenting them was that there was a plaintive cry on Saturday for the logs. Mr. Raynor wanted the logs of the vessels for July 2 included.

Capt. Lemly said that he did not want to put in anything at this time except what he had indicated; he wanted only what would form a consecutive record.

Admiral Schley's counsel were apperently satisfied with this but a moment later Mr. Raynor arose and said that side seriously protested against picking out portions of logs and making Admiral Schley bring in the parts of these same logs that covered other important days.

"I am not putting the entire logs in evidence," said Capt Lemly, "but such parts as are deemed pertinent by the Judge Advocate I propose to print at once. There was another objection, this time from Judge Wilson. He said he entered his protest against offering the whole of the logs in evidence and printing only certain parts. 'I say print all the logs,' he remarked. 'He is going to put in only parts that he is going to rely upon. I did not suggest that the learned Judge Advocate was trying to conceal anything, but that is the effect." deemed pertinent by the Judg

"All we want is the logs of these ships om May 18 to July 3, inclusive," said Mr Raynor with emphasis on the last word.

After some further parleying Admir
Dewey said it seemed fair to adopt the Judge Advocate's suggestion that the parts deemed essential by each side be printed now. It would save time, he said. Everybody agreed with the Admiral and the incident ended.

COAL SUPPLY OF THE MASSACHUSETTS. But one of the very first questions asked witness brought on another squabble commander Seaton Schroeder, who was executive officer of the Massachusetts and executive officer of the Massachusetts and who had testified on Saturday, was re-called and asked by Mr. Hanna, the Assist-ant Judge Advocate, to read those parts of the log of the Massachusetts showing her section to having the witness read some-ng that had been submitted in evidence, the colloquy that followed Mr. Hanna showed more spirit than be had at any time since the inquiry began, and was quite as vigorous as Mr. Raynor had been on pre-

us occasions.

ommander Schroeder was finally peron May 26, the Massachusetts had 842 tons and 1,700 pounds of coal. This supply, and 1,700 pounds of coal. This said the witness, would ordinarily wo days, but would vary under different

onditions.
"How long could you have remained on the blockade with the supply of coal on oard under the conditions then?" asked

Mr. Hanna.

"Sixteen or seventeen days, and still have had enough to go to Key West," was Commander Schroeder's answer.

In answer to Mr. Hanna the witness said that on the day the Colon was fired on Admiral Schley, on coming on board that ship, said that Admiral Sampson would be there the following day.

"In what connection was that said?" asked Mr. Hanna.

ed Mr. Hanna

asked Mr. Hanna
"It was said at the same time that he made
the statement that he was going to take us
in to sink the Colon."
In answer to Capt. Parker of Admiral
Schley's counsel Commander Schroeder
said that he did not think any signal that Massachusetts could not maintain we knots was made by that vessel going

Key West When Commander Schroeder was through giving his testimony be asked if he need come back, as he wanted to prepare to return to Guam. Both sides said they had nothing more to ask him, and he was excused. He will go on the stand to-morrow, but only to verify the printed report of his testimone.

his testimony. LIBUTENANT-COMMANDER BEILNER CALLED. Licatemant-Communicar Lewis C. Richner was next called, and there was a stir of niverest as he took the chair. He proved to ue an interesting witness He told the dary of the fight of July 2 in a simple way, but was not, however, without gramatic effect Mr. Heilner was the navigating officer on the Texas in the war with Spain. alleged colleger between Schley and Hong-son on the Brooklyn when the Jameus "loop" was being excutted. When Admiral Schley published the earli from Hodgson desying that the colleger occurred, Mr. Heilner write a letter to The SUN in which he said that Hodgson had told him that the con-versation, existantially as published in Tug Sun, did take place. The publication of the consequences, at home or a letter to The Sex in which he said it Hodgson had told him that the constants, substantially as published in the sex of take place. The subloation this letter led to an invostigation by the argued that Capt. Lemily's question was an

Navy Department as to the question of veracity raised in the public prints between the two naval officers. Mr. Heilner was examined officially and said that Mr. Hodgson did tell him of the colloquy. Mr. Hodgson admitted the substantial accuracy of the colloquy and said that his letter of denial to Admiral Schley was accompanied by another letter in which Mr. Hodgson explained that the first letter was intended only to deny the literal accuracy of the colloquy as printed.

ABOUND CIENFUEGOS.

One of the matters which the Court of Inquiry was directed to investigate was the propriety of Admiral Schley's conduct in printing the letter of denial and not printing the letter explaining that the denial was only of the literal accuracy. But the examination of Mr. Heilner to-day did not touch on the colloquy. Most of the questions asked him related to the effect of the Brooklyn's "loop" on the position of the Texas in the fight with Cervera's ships. For part of the time he was on the stand Lieutenant-Commander Heilner was the centre of a heated discussion between the opposing counsel over the admissibility of certain statements made by him.

Examined by Judge Advocate Lemiy. Mr. Heilner said that the Texas was part of the Flying Squadron as long as there was a flying squadron and was subsequently part of the North Atlantic fleet, commanded by Admiral Sampson. of the matters which the Court of

part of the North Atlantic fleet, commanded by Admiral Sampson.

Q. Do you remember when the fleet was approaching Cienfuegos about the 21st of May?

A. I do.

Q. Did you bear any guns fired in any direction at that time?

A. I did not. [Admiral Schley had reported officially that he heard guns at Cienfuegos and supposed the Spanish fleet had arrived and was being saluted.]

Q. When you arrived at Cienfuegos what efforts, if any were made, within your knowledge, under the orders of the Commander-in-Chief, to ascertain whether the Spanish squadron under Admiral

Commander-in-Chief, to ascertain whether the Spanish squadron under Admiral Cervera was in the port of Cienfuegos or to communicate with the insurgents? A. None to my knowledge.

Q. After you had been there a few days however, communication was had with them, was it not? A. I remember seeing the Marblehead steaming to the west and I was informed that she had communicated.

Q. Was there any effort made to destroy or to prevent the completion of batteries.

Q. Was there any effort made to destroy or to prevent the completion of batteries on the shore in the vicinity of Clenfuegos?

A. Not to my knowledge.

Q. What kind of weather did the Texas have when off that port? A. Very good.

Q. Did you coal when there? A. No sir, we afterwards did take coal. The day we left it was rough in the morning and the collier did not want to come along-side. The officer, when signalled, returned to the line.

O. Do you recollect when the Flying Q. Do you recollect when the Flying

Squadron went to Santiago what was the first stopping after leaving Clenfuegoe? A. In the neighborhood of twenty or twenty-five miles almost south, a little to the east

Santiago.

2. Did the Texas delay the squadron y on this passage? A. She did not.

2. What vessel, if any, did delay the hadron? A. None of the fighting ships—
Eagle did.

2. Do you recollect whether the Texas

the Eagle did.
Q. Do you recollect whether the Texascoaled on the 28th of May, and where she
was at the time? A. I think it was on the
28th of May that we went alongside of the
Morrimac to coal. We were then considerably to the westward of where we were

when we stopped to coal.

Q. Had you drifted to the westward or had you steamed there? A. Under steam.

Q. Where was the Texas on the 31st of May at the time of the bombardment of the Colon? A. We were coaling from one colliers some seven or eight miles from the port.
Q. Did you observe that action? A

Q. Did you observe that action? A. Yes, I happened to be en dock when the first gun was fired I saw it all. Q. How did the shots fall? A. Those that I saw fell very short. Q. Short from shore line, or short from the Colon? A. I do not think we saw the Colon from where we were. When I saw that the shots fell short I meant shots from the enemies, guns.

the enemies' guns.

Q. Do you know how the shots of our own guns fell? A. I saw one or two that struck the water

TELLS STORY OF THE BROOKLYN'S LOOP.

Then the story of the part played by the Brooklyn in the naval battle of San-tiago was told.

Q. Where were you on that 3d of July at the time that the two squadrous ing out of the Port of Santiago? A. I was on board the Texas during the engagement. I was on the small bridge at

conning tower.

Describe in parrative form the part

Q. Describe in narrative form the part which the Texas took in that action. Particularly in the early part of it and what other vessels of our squadron, if any, came into close proximity to the Texas.

A The Texas had been heading about east, when the enemy was seen coming out. I signalled to Lieut Bristol, who was officer of the deck at the time, to go ahead full speed and put his helm hard to starboard. When I got on deck he informed me that such was the case. I sent him below and I took charge of the deck. The captain (Philip) told me he would ease the helm (Philip) told me he would ease the (Philip) told me he would ease the helm until he could find out where we were going. He also rang half speed. I suggested full speed, but he said that the battery was not ready. I told him it would be ready before we would be in position to fire. He said "all right" and he rang full speed. When the second of the enemy's ships followed the first to the westward he put his belm hard to the starboard. I had made several reports to him about the Brooklyn. his helm hard to the starboard. I had made several reports to him about the Brooklyn, but he said: "My crackey, never mind the Brooklyn, you look out for this ship." The Brooklyn then was on our port bow. I said: "All right, Captain, I'll look at the Brooklyn no more," and I turned my back upon her. After we got to the westward I suggested to go a little on the port helm and to get closer in. He sang out to the man at the engine room indicator to slow, then to stop. I said: "Captain, they will just get away from us." He did not answer me, but said: "Back." Then I said: "My Lord, Captain, we're out of the fight" me, but said. "Back." Then I said: "My Lord, Captain, we're out of the fight "Look at the Brooklyn," he said. Then, right ahead of us, this great gray ship loomed out of the smoke. For a second or two my heart was in my mouth. Then I saw that she was sheering, and she sheered by us. When I saw her she was practically ahead of us, and she sheered off and went to sea about two thousand yards, I should say, and then to the west. As soon as the Brooklyn cleared us the Captain rang "Go ahead." lyn cleared us the Captain rang "Go ahead and we started up. After that we simply followed in as fast as we could on the line, which was just inside of that which the Oregon was taking, engaging the enemy's ships. Just before that time the lowa and the Oregon were both close to us to the starboard, and we continued on the chase starboard, and we continued on the chase until the Colon hauled down her flag.

Capt. Lemly—How near was the Brooklyn to the Texas at the time when you saw her loom up out of the smoke?

Lieutenant-Commander Heilner—I did not make an estimate of the distance at the time, but afterward I come to the contime, but afterward I came to the conclusion that she was between one hun-dred and fifty yards from us, which is a much larger distance than Capt. Philip esti-

"Never mind Capt. Philip's estimate," interjected Judge Wilson.

"All right," said Mr. Heilner, and then be said something to the official reporter.

"What did you say to the stenographer?" asked Judge Wilson, quickly.

"I told him to scratch it out," replied the witness, and gverybody within hearing, including the members of the court, smiled broadly.

THE TEXAS'S DANGER

attempt to get the opinion of the witness about the loop.

VICTORY FOR JUDGE ADVOCATE. The court retired to consider the objection and came back in less than ten minutes. Admirai Dewey announced that the objection of Admirai Schley's counsel was not sustained. This was the first real victory of the Judge Advocate. The decision may have an important bearing on the trial

capt. Lemly repeated the question to Mr. Heilner, and the latter answered him this way: "Looking back, I knew that the time of the greatest danger was when the Brooklyn loomed out of the smoke right ahead of us."

Continuing his examination, Capt. Lemly asked the witness: Do you know whether or not Capt. Philip had had experience of perhaps an unusual character in landling ships, and, if so, state what it was?

Lieutenant-Commander Heilner-Yes, he had more than the usual experience. He had been for several years in the employ-

had been for several years in the employ-ment of the Pacific Mail Steamship Com-pany and always handled his own vessel. I never sailed with any man who could handle a ship of the sailed with any man who could

What is your estimate of the tim Q. What is your estimate of the time lost in the performance of these evolutions on the Texas? A. The time of performing the evolutions was perhaps not more than a minute and a half. Perhaps we lost a good deal more time when we start shead in getting full speed on the engin

ahead in getting full speed on the engines. It took perhaps two or three minutes to start, to slow and to stop. The ship was practically dead in the water.

Q. How did the Brooklyn compare with the Texas during the run to the westward after the vessels were straightened out?

A. She bore two points on our port bow.

Q. Do you know how the Texas was heading at that time?

A. I do not.

Q. Can you give an estimate of the distance lost to the Texas by these evolutions?

A. Yes, my estimate is three miles.

That was due partly to a fault in the Texas herself. It took some little time to get one

SCHLEY'S BLOCKADE DESCRIBED. Lieutenant-Commander Heilner then de-scribed the blockade maintained by the Flying Squadren off Santiago before Samp-son arrived. When it got dark and the enemy could not see the American ships, the vessels steamed across the mouth of the harbor back and forth. In the daythe harbor back and forth. In the day-time he did not remember that there was any particular formation, the ships re-maining offshore six, eight or nine miles. These distances, he said, were all esti-mated. As the vessels turned after going past the mouth of the harbor they turned offshore, so that they gradually increased their distance from the harbor entrance. On the day the Colon was discovered he

On the day the Colon was discovered he saw another big ship in Santiago harbor. He was unable to say how far to each side of the harbor the blockading ships went. Officers who were on deck told him that the distance varied, but he could not say how far it was. He did not stand watch and did not stand watch and

d not attempt to observe. In anwser to the Judge Advocate he said that when the squadron first got to tingo the moon was in its first quarter, he thought, but it might have been in the second quarter. After that it was dark and if the blockading vessels were any distance of the Spanish ships could have

Cross-examined by Mr. Raynor, Mr. Heiner said he had not heard any firing of guns when the Flying Squadron approached Cienfuegos; he remembered that either by signal or note from the flagship those on board the Texas had been informed that firing was heard. This testi-mony was with reference to Admiral Schley's report that he had heard firing as the Flying

oing welcomed. Mr. Raynor asked Mr. Heilner a great many questions about signals from the Brooklyn to the other ships of the squadron during the trip from Cienfueges toward Santiago. Mr. Rayner said that he had no record of a signal saying that "While off Santiago. Mr. Raynor said that he had no record of a signal saying that "While off Santiago the general meeting place will be twenty-five miles south of that place." Mr. Heilner had previously testified that the course of the Texas was made for a point twenty-five miles south of Santiago. The the course of the Texas was made for a point twenty-five miles south of Santiago. The signal book of the Iowa shows that the signal quoted was made from the Brooklyn to that vessel at 406 P. M. on May 28 Mr. Hellner said that he remembered shaping his course for a point twenty-five miles south of Santiago, but this was before the 28th.

before the 28th

at 9:35 A. M.) He said also that he re-membered seeing signals during the chase of the Colon.

Capt Lemly was on his feet in an instant.

"May I ask the purpose of that question?" he said, and Mr. Raynor explained that it was intended to investigate the conduct Whose conduct?" asked the Judge

Advocate. erybody's conduct, said Mr. Rayner

Everybody's conduct, said Mr. Raynor-Capt. Lemly objected to any evidence that did not deal with Schiey's conduct.

Mr. Raynor said that the evidence was proper and he wanted it admitted. 'Ve shall insist on it,' he said, 'with all the zeal we can.' As it was no pear the hour of recess, however, he said he would not insist then. "We might as well insist on it now,"

"We might as well insist on it how, responded Capt Lemly sarmly. "I object to taking up the time of the court unnecessarily. We don't want to involve the whole Spanish war."

Mr. Raynor again said he wouldn't insist just then, but gave notice that, as the question was important, it would be brought up later.

THE APTERNOON SESSION The afternoon session was full of interest to court and spectators. It was particu-larly interesting on account of an attempt made by Admiral Schley's counsel to again bring Admiral Sampson into the case, and the resistance made by the Judge Advocate and his assistant, Mr. Hanna. There was laughter once or twice in the court room over remarks of Mr. Raynor, who accused Capt. Lendy of getting angry and excited.

Lieutenant-Commander Heilner resumed the witness rtand and Mr. Raynor cross-examined him about his statement of the morning session that the Brooklyn had crossed the bow of the Texas at a distance of only 100 or 150 yards during the execu-

on of the "loop."
Mr. Raynor handed the witness a chart Mr. Raynor handed the witness a chart contained in the appendix to the report of the Bureau of Navigation. This chart was prepared by Commander Wainwright under instructions to fix as nearly as possible the relative positions of all the ships at different periods of the lattle of July 3. Mr. Hanna said he wanted to answer one or two suggestions made by the other Heilner to look at the second position given the Brooklyn just as she began to make the turn and also at the position given the Texas at the same time. Mr. Raynor then had the witness measure on the map the distance between the two vessels at that time, and Mr. Heilner decided that it was about three-tenths of a stainte mile, or the battle. State her bearings and her distance. Commander Heilher She was almost astern of us, because we were heading to the east while she must have been bearing about twest-northwest.

Q. Did the Brookiyn give the customary steam whistle signal to indicate her change of hourse? A That I do not know.

Q. Did you hear any? A No. Q. At what time during the battle off Santingo, to your knowledge, had the Texas been in the greatest danger?

Admiral Schley's counsed put in an objection immediately.

The Larrow Mr. Heilher decided that it was asked with the witness was asked with the were as the witness had said they were and Mr. Heilher expressed the opinion that the chart was worthess for that purpose.

That's just what I'm trying to get at exclaimed Mr. Heavy or "Dis chart is worth; less I don't mean to say almostiately worthless, but it is inaccurate. The chart, instead of putting you lie feet, puts you at no time less than 2,600 feet from the Brook.

Admiral Schley's counsel put in an objection immediately.

Here Mr. Hanna arous had colded that it was asked with the carries and we will make no objection, but until then will there is any way to bring Admiral Sampson is not in this cose, but we will make no object to an improve will make no obj

Here Mr. Hanna arose and said that if the purpose was to show that the chart was maximate, the Judge Advicute would consider at once that this was so.

"It's a great pity you never said that before," resteaded Mr. Raynor, with em-

phasis. "This is a Government appendix, and comes to us signed by Government officials and with the stamp of the Government's approval. It is supposed to be the only authentic map to proceed on, and it is understood to be as nearly correct as is possible."

rect as is possible."

After some further figuring on the navi After some further figuring on the navi-gator's chart it was agreed that the dis-tance between the Brooklyn and the Texas, roughly speaking, was half a mile. Then Mr. Raynor continued the cross-examina-

DISTANCE BETWEEN BROOKLYN AND TEXAS Mr. Raynor—According to your recollection they were 150 yards apart, but according to this chart they were 2,600 feet apart? A. Yes.

Q. You said that when you saw the Brooklyn she was practically ahead of the Texas? A. Yes, with her belm steering heal?

ing badly.
Q. And you said that the Brooklyn went

out to sea about 2,000 yards? A. Yes.
Q. Let us look now at your chart? A.
The chart is not correct at that point.
Q. How far does the chart make her go
out to sea? A. A thousand yards—half a

Q. I understand you to say that the Texas had lost three miles in three minutes. A. Oh, no, but I saw by the smile on your On, no, but I saw by the smile on your face that you got that idea. [Laughter]. I said it was probably three minutes from the time that Capt. Philip gave the first signal till the time the ship was dead in the

CAPT. PHILIP'S SIGNAL. Q. What was the signal? A. The signals were to slow, to stop, and to back.
Q. Does anything about hat appea? in the log book? A. No, and I can tell you the reason why.
Q. Tell us. A. It was not in the log of the Teams because Capt. Phillip did not

Q. Tell us. A. It was not in the log of the Texas because Capt. Philip did not want it there. I told the Judge Advocate of this court that I would not bring up a dead man to substantiate anything I said. But Capt. Philip would not put it in his official report and I am very sorry that this matter has come up here. I hope I can get some one to substantiate it.

Q. Do you recollect the statement which Capt. Philip made about the danger of a collision? A He spoke to me hundreds of times about it.

Mr. Raynor—Here are his words here (referring to Capt. Philip's Century Magazine article). Do you recollect Capt. Philip's ever saying that the collision, which seemed imminent, was averted?

ever saying that the collision, which seemed imminent, was averted?

Commander Heilner—I do not.

In answer to Mr. Rayner the witness told of a conversation with Lieut. Haeseler of the Texas, now dead, who said he had seen some lights off Cienfuegos, but the witness did not know what they were. He seemen learns as the commendation of the commen remembered seeing some horses ashere off Clenfuegos, but did not know whether they were Cuban or Spanish cavalry or

This line of questioning by Mr. Rayner was with reference to a story that arrangements with the United States Government were made by which Cubans would signal the American ships near Cienfuegos in the daytime showing horses standing in a row, and at night by fires, and that Admiral Schley had not been informed of these signals and was, therefore, ignorant of the opportunity afforded to learn whether the Spanish fleet was at Cienfuegos.

Taking up the log of the Texas at Mr. Raynor's suggestion, the witness said that in proceeding from Clenfuegos to Santiago the sea was moderate to rough. The witness said he knew the Eagle retarded the squadron, but did not know that the Vixen and the Merrimac did. After the squadron turned back from Santiago This line of questioning by Mr. Rayno the vixen and the Merrimac did. After the squadron turned back from Santiago the Merrimac had trouble with her machine, but he did not know the cause of it. The witness was inclined to think that the Du-pont was used as a picket boat at Clenfuegos.

TRYING AGAIN TO BRING IN SAMPSON Mr. Raynor brought up the question of signals from the New York on the day of the battle. He asked the witness if his ship got any from that flagship.

I don't know, was the reply. We did not get any until the afternoon, until

after 12 o'clock."
Q Did you see the New York during the battle? A. Oh, yes.
Q. When? A. I don't remember, but I think it was when the Viscaya was going

on as to the purpose of these questions.
"I want to show the positions of the ships, said Mr. Raynor

You want to show the positions of these ships by the position of the New York, asserted the Judge Advocate

Mr. Raynor said he did not want to argue question when he had a witness who did know and who would show where the Nev

In answer to Mr. Raynor's questions Mr. Heiliner said that on the day of the battle he saw signals from the Brooklyn, but did not know what they were. He had seen one signal which he supposed was "clear ship for action" He saw another and reported it to Capt. Philip, but the latter told him to look out for the Texas and not for the Brooklyn.

TRYING TO BRING SAMPSON INTO THE CASE.

Mr. Raynor again attempted, as his side had done Saturday, to bring in testinony in regard to Admiral Sampson into this controversy where it is possible to avoid it," said Mr. Baynor, the witness said that on the day of the battle he saw signals from the New York at about 12 noon or half past 12. (The Spanish ships were sighted coming out of the harbor at 9:35 A. M.) He said also that he remembered seeing signals during the chase of the Color. did but we want to show that he did just what Admiral Schley is charged with doing. We propose to prove that on the 1st of June, when Admiral Sampson steamed past, the Colon was precisely in the same position inside the harbor which she was in on the 21st of May, when Commodore Schley withdrew from there connaissance,

> WHAT SCHLET WANTS TO PROVE. The Judge Advocate objected heatedly to the question and to the argument, but Mr. Raynor persisted in stating his position

and said.
Notwithstanding the strenuous efforts of the Judge Advocate to keep Admiral Sampson outside of the case he will not do it. I do not propose to censure or criticise Admiral Sampson, but to show that what Commodore Schley did was done under the orders of Admiral Sampson. We propose to prove that when Commodore Schley withdrew from the reconnoisance against withdrew from the reconnoisance against withdrew from the reconnoisance against the Colon, and did not come in contact with the shore batteries, he did it under general regulations of the maxy. We want to prove these three things: First, that the blockade at Santiago as maintained by Commodere Schley was the same blockade, so far as distances were concerned, as had been maintained by Admiral Sampson, second, that the failure to attack the Colon, or the withdrawal of the reconnoisance was the same policy that had been pursued by withdrawal of the reconnoisance was the same policy that had been pursued by Admiral Sampson; and, third, that on the morning of July 3 the Brooklyn had her proper station in the blockading line, under the orders of Admiral Sampson." Judge Wilson added to what Mr. Raynor had said that he did not want to argue

had said that he did not want to argue the matter until he had a witness who did know something about the case. There were some more exchanges and the examination of the witness was about to proceed when Mr. Hanna interrupted "Are you going to leave this sub-

"We withdraw the question now." said Mr Raysor, but you may rely on it that

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records. But he said he had seen the turns made by the squadron while passing in front of the entrance to Santiago harbor on May 28 and 29 and knew that they took the squadron further away from the entrance.

Reexamined by Mr. Hanna, Mr. Heilner Reexamined by Mr. Hanna, Mr. Heilner said that if the Texas had not been obliged to back out of the way of the Brooklyn she would have been three miles nearer the action. This was his estimate, he said He explained that his estimate as to the 100 to 150 yards distance between the Texas and the Brooklyn when the former backed to avoid collision had been made after taking everything into consideration, and particularly the fact that a man was inclined to underestimate distance.

particularly the fact that a man was inclined to underestimate distance.

"After having examined the navigator's chart, do you wish to modify your sworn testimony as to distance?" asked Mr. Hanna. "No. sir," responded Lieutenant-Commander Heilner.

"Then why did you sign that report on the chart?" asked Judge Wilson.

"Our duty was to reconcile as far as possible all discrepancies, and I was assured by the senior member (Commander Wainwright) and others that we might go on forever and never get it absolutely correct. This chart is not absolutely correct. We don't claim it."

This concluded Lieutenant-Commander

This concluded Lieutenant-Commander Heilner's testimony. He was told to come back to-morrow.

Commander Harber, who had a little tiff on Saturday with Mr. Raynor while being cross-examined by him, was recalled to correct verbal errors in his testimony. He shook hands with Mr. Raynor.

COMMANDER BATES CALLED. COMMANDER BATES CALLED.

Commander Alexander B. Bates, who served as chief engineer of the Texas during the war with Spain, was the next witness. He testified as to the evolution of that vessel on the day of the fight. He said he remembered that the starboard engines of the Texas were reversed during the battle of July 3, and while he did not know of his compared to the texas of the starboard engines of the texas of the starboard engines of the starboard engines of the starboard engines of the starboard engines of the starboard engines. own personal knowledge, he felt sure that the port engine was reversed. Between 9:40 and 9:45 A. M. the engines were re-

versed for about three minutes.

To counsel for Admiral Schley Commander Bates said that there was nothing mander Bates said that there was nothing in the log book of the Texas as to the reversal of the engines, and counsel commented upon the fact of the omission of that item, which was characterized as important, while other unimportant matters were recorded in the log book. The witness said that notwithstanding such omission he was sure that the starboard engine had been reversed.

he was sure that the starboard engine had been reversed.

In answer to the Court Commander Bates said that he had no personal knowledge of how much coal was expended by the Texas during the cruise to Santiago, but he saw to it that the bunkers were ex-amined and kept a record of the coal used and on hand

The court then adjourned until to-morrow

M'KEESPORT BUSY AGAIN.

in Iron. McKEESPORT, Pa , Sept. 23 For the first time in almost three months practically every mill in McKeesport is in full operation to-day. The great steel strike f 1901 is a thing of the past and the men are glad of it. There are some strange faces here and there about the mills. The leaders in the trouble here are out of jobs, but everything is moving smoothly and

the men have had enough of the strike. The W. Dewees Wood plant of the American Sheet Steel Company started this morning. This is the mill where all the trouble arose. It was the first one out and the last one to begin operations again. George E. Holloway, President of Enterprise Lodge composed of the Wood mill employees, is one of the victims of the strike. He expresses himself as satisfied with the situation. It was a square fight, be contends, and the victors named the terms Holloway is a man of some means and does not greatly regret the part he took in the strike, although it cost him a posi-tion he had held for almost twenty-one

The National rolling mill of the Nationa Tube Company is operating in full, both turns, although the strikers at this plant voted not to go back to work. The strikers, however, did not control the rolling mill so completely as they did the puddling mill. This department is still idle and it mill. This department is still idle and it is a question when it will be started. Puddled iron is really a thing of the past and the company has a large stock on hand which it will work off before making any attempt to start this portion of the works. Most of the men who were employed there have found work in other mills as a boom in iron has made a demand for puddlers which is greater than at any time for the past ten years and there is plenty of employment for this class of workmen.

At the Demmier tin plate plant all the At the Demmiler tin plate plant all the departments which are ready for operation are being run in full. Eight mills are working triple turn and three more will be put on as soon as repairs can be completed. Plans are being drawn now for the enlargement of the plant and the work will probably be started this fall. At the National Tube Works everything is running in full and there are no indica-

is running in full and there are no indica-tions in that vast establishment that there

of the city are happy over the resumption

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TWICE ESCAPED LYNCHING. This Man Now Knows It's Dangerous to

Speak Ill of the President Sr. Paul, Sept. 23 - At White Bear, a village a few miles from St. Paul, when the sad news from Buffalo was made public, a Swede named Nordstrum gave vent to hi glad feelings over the occurrence. That evening a committee waited on him and taxed him with his anarchistic utterances At first he denied the accusation, but reliable witnesses confronted him. Then he became abusive and showed fight. One of the citizens called for a rope, upon which Nordstrum weakened, grew pale and allowed himself to be led to the Common, where he went on the band stand and humbly apolo

gized to the insulted people. The next day he took a train for St. Paul and, finding a vacant place in the amoking compartment, occupied it. His neighbor, through passenger from Duluth, asked Nordstrum some questions about White Bear and was told in reply that the town was all right, but he had no use for the people. "Why." he exclaimed, "it was only people. "Why," he exclaimed, "It was only yesterday that they wanted to hang me."

The passenger replied that Nordstrum must have done something, for people were not hanged for nothing as a rule. After denying repeatedly that he had done anything he finally exclaimed: "Why, they wanted to hang me just because I said McKinley deserved to be shot."

The smoking room was instantly in an uproar: Nordstrum saw a dozen ropes

uproar. Nordstrum saw a dozen rope instead of stars, and with a crowd of exas perated men at his heels he ran the length of the train, only freeing himself from his pursuers by jumping from the rear plat-

PALMERSTON'S PLASTER BEARD. One Princeton Professor Dead Sure the Whiskers Aren't Growing Crowds See Them

PRINCETON, N. J. Sept. 23 An almost continuous stream of people has been filing into the University Library here to-day, viewing the mysterious death mask of Lord Palmerston in Laurence Hutton's celebrated collection-the mask which has on its coin, cheeks and upper lip a copious growth of reddish brown

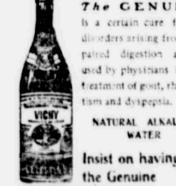
Of course, nobody who heard the news for the first time, would believe that the plaster of paris cast of his Lordship wore a genuine beard, but all who have to-day seen the mask with its short bristly hair standing out in perfect order, have had their dishelief turned into wonder as to

their disbelief turned into wonder as to the cause of the phenomenon.

Among the visitors have been several women. No further explanation of the mystery has been advanced. One of the Princeton professors did say, however, that he was willing to stake his professional reputation that the whiskers were not growing. At the same time he admitted that they looked frightfully natural. Until Mr. liutton returns it is not likely that any steps will be taken toward securing the services of a tonsorial artist unless it is found that the beard really grows.

Tax Collector Faulkner Held for Trial NEW BRITAIN, Conn., Sept. 23.-The examination of ex-Tax Collector C H Faulkner, who is charged with embezzlement, was concluded to-day. He was held ment, was concluded to-day. He was held under \$15,000 bonds. Prosecuting Attor-ncy Gussman said that the actual shortage \$15,002. He in Faulkner's accounts was \$15,002 was unable to obtain ball and went jail. Faulkner is a heutenant in the Con-necticut National Guard.

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